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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,479	02/12/2004	Katsuhito Aoki	HGM-127-A	2304
21828	7590	07/17/2007		
CARRIER BLACKMAN AND ASSOCIATES			EXAMINER	
24101 NOVI ROAD			FRISBY, KESHA	
SUITE 100			ART UNIT	PAPER NUMBER
NOVI, MI 48375			3714	
			NOTIFICATION DATE	DELIVERY MODE
			07/17/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/777,479

Applicant(s)

AOKI ET AL.

Examiner

Kesha Frisby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. After the amendment filed 4/30/2007, claims 1-16 are pending in this application. Claims 15 & 16 are newly added claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (U.S. Patent Number 6,010,403) in view of Aoki et al. (Publication Number 2002-297017: Machine Translation from Patents Abstract of Japan).**

Adam et al. discloses an interactive driving simulation (interactive event system 10) which allows a student operator (driver) to simulate driving a two-wheeled vehicle (simulation race car), wherein said apparatus is operable to display a virtual environment as a screen image on a display unit based on a real-time driving routine of a simulated vehicle by the student operator (video display & column 4 lines 55 & 56), said driving simulation apparatus comprising: a selector which selects selecting performance evaluation comments based on operator input in a simulated driving route sequence, by the driving operation of the operator in a driving route sequence determined in advance in a running route upon the simulation apparatus (column 5 lines 47-53 & column 6 lines 9-12), and wherein the display unit comprises a screen which

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simultaneously displays the simulated operating environment and the performance evaluation comments when the driving situation is replayed on said display unit (column 5 line 64-column 6 lines 12). *Adam et al. does not disclose wherein said apparatus is capable of recording a driving route sequence and replaying the driving route sequence on said display unit after the real-time driving routine is completed. Adam et al. does disclose the use of playback (column 7 lines 43-48). With the use of playback, the device is also capable of recording. However, Aoki et al. teaches wherein said apparatus is capable of recording a driving route sequence (storage means) and replaying the driving route sequence on said display unit after the real-time driving routine is completed (playback). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include recording and playback, as disclosed by Aoki et al., incorporated into Adam et al. in order to memorize the current game state, as well as, present the game state to other individuals who might not be playing the game.*

Referring to claim 2, Adam et al., as modified by Aoki et al., discloses wherein said selector selects only a scene at which an unsafe action was performed by the operator within the simulated driving route sequence, and matches performance evaluation comments corresponding to said scene at which an unsafe action was performed to the operator's recorded performance (column 6 lines 5-12), and wherein said display screen displays only the scene at which the unsafe action was performed and the performance evaluation comments (video display).

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Referring to claim 3, Adam et al., as modified by Aoki et al., discloses further comprising: a speaker (overhead speaker 14) for reading the performance evaluation commentary aloud upon reproduction thereof on said display unit.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al./Aoki et al. and further in view of Scott et al. (U.S. Publication Number 2004/0009812).

Referring to claim 4, Adam et al./Aoki et al. discloses an interactive driving simulation apparatus according to claim 1 and in which the simulated operating environment and the performance evaluation commentary are simultaneously displayed thereon (see claim 1). Adam et al./Aoki et al. *does not disclose wherein: said display unit is operable to pause the replay and to display a still-screen image.* In addition, since the apparatus displays the environment and commentary simultaneously and has the ability to playback this information, the information can be paused. However, Scott et al. teaches wherein: said display unit is operable to pause the replay (paragraph 0029) and to display a still-screen image (inherent function of pause: when you pause an image the display has a still-screen image). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include pause the replay, as disclosed by Scott et al., incorporated into Adam et al./Aoki et al. in order for the instructor to discuss the driving situation with the user.

5. Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al./Aoki et al. in view of Cooperman (U.S. Patent Number 5,474,453).

Referring to claim 5, Adam et al./Aoki et al. discloses an interactive driving simulation apparatus according to claim 1. Adam et al./Aoki et al. *does not disclose wherein: said display unit reproduces the screen image at a normal replay speed or temporarily pauses the replay and displays a still-screen image at a selected driving situation obtained from the driving route sequence, and performs fast-feeding replay or skipping replay at scenes other than the selected driving situation.* However, Cooperman teaches wherein: said display unit (video display 122) reproduces the screen image at a normal replay speed or temporarily pauses the replay (column 16 lines 5 & 6) and displays a still-screen image at a selected driving situation (column 16 lines 38 & 39: the frozen scenario), and performs fast-feeding replay or skipping replay at scenes other than the selected driving situation (column 22 lines 35-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the limitations of the display unit, as disclosed by Cooperman, incorporated into Adam et al./Aoki et al. in order to analyze the driving situation.

Referring to claim 6, Adam et al./Aoki et al. discloses the driving simulation apparatus of claim 1. Aoki et al. *does not disclose wherein the apparatus is operable without requiring input from any person other than the student operator during testing and replay.* However, Cooperman teaches wherein the apparatus is operable without requiring input from any person other than the student operator during testing (column 4 lines 30-32) and replay (claims). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the apparatus is operable without requiring input from any person other than the student operator during testing

and testing, as disclosed by Cooperman, incorporated into Aoki et al. so that the user has full control of how the simulator works.

6. Claims 7 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (U.S. Patent Number 5,415,550) in view of Adam et al. and Aoki et al. (2002-297017).

Referring to claim 7, Aoki et al. ('550) discloses an electromechanical simulator (simulated motorcycle 300) which interacts with the student operator (rider) during performance of a driving route sequence, said electromechanical simulator comprising a support frame (body frame 302), a handlebar operatively connected to the support frame (steering handle 308), a pedal mechanism operatively connected to the support frame (inherent component of a motorcycle), and a plurality of sensors (column 5 lines 48-55) for measuring student input and for generating data corresponding to a specific performance by the student operator; a processor which compares comparing the specific performance data to a set of base line performance data and for selecting performance evaluation comments based on the comparison of the specific performance data with the base line performance data (column 20 lines 51-66), and wherein a virtual environment is displayed as a screen image on the display unit based on a real-time driving route sequence of a simulated vehicle by the student operator (Figs. 9A & 9B & the associated text). *Aoki et al. ('550) does not disclose a recorder which records recording the specific performance data; a display unit comprising a display screen which simultaneously displays the simulated operating environment and the performance evaluation comments when a portion of the driving route sequence is*

replayed on said display unit for each testing situation in which the operator's responses fail to perform at or above a specified level, wherein said apparatus is capable of recording a specific performance of a driving routine and replaying the specific performance on said display unit after the real-time driving routine is completed.

However, Adam et al. teaches a display unit comprising a display screen (column 5 lines 47-53 & column 6 lines 9-12) which simultaneously displays the simulated operating environment and the performance evaluation comments when a portion of the driving route sequence is replayed on said display unit for each testing situation in which the operator's responses fail to perform at or above a specified level (column 5 line 64-column 6 line 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a display unit, as disclosed by Adam et al., incorporated into Aoki et al. ('550) in order to have the ability to view the simulation. Aoki et al./Adam et al. does not disclose a recorder which records the specific performance data, wherein said apparatus is capable of recording a specific performance of a driving routine and replaying the specific performance on said display unit after the real-time driving routine is completed. Adam et al. does disclose the use of playback (column 7 lines 43-48). With the use of playback, the device is also capable of recording. However, Aoki et al. (2002-297017) teaches a recorder which records the specific performance data (storage means), wherein said apparatus is capable of recording a specific performance of a driving routine (storage means) and replaying the specific performance on said display unit after the real-time driving routine is completed (playback). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include recording and playback, as disclosed by Aoki et al. (2002-297017), incorporated into Aoki et al. ('550)/Adam et al. in order to memorize the current game state, as well as, present the game state to other individuals who might not be playing the game.

Referring to claim 10, Aoki et al. ('550), as modified by Adam et al. and Aoki et al. (2002-297017), discloses further comprising a speaker for generating an audible reproduction of the selected performance evaluation comments (column 4 lines 65-67 of Aoki et al.).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al./Adam et al./Aoki et al. (2002-297017) and further in view of Cooperman ('453).

Referring to claim 6, Aoki et al./Adam et al./Aoki et al. (2002-297017) discloses the driving simulation apparatus of claim 7. *Aoki et al./Adam et al./Aoki et al. (2002-297017) does not disclose wherein the apparatus is operable without requiring input from any person other than the student operator during testing and replay.* However, Cooperman ('453) teaches wherein the apparatus is operable without requiring input from any person other than the student operator during testing (column 4 lines 30-32) and replay (claims). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the apparatus is operable without requiring input from any person other than the student operator during testing and testing, as disclosed by Cooperman ('453), incorporated into Aoki et al./Adam et al./Aoki et al. (2002-297017) so that the user has full control of how the simulator works.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al./Adam et al./Aoki et al. (2002-297017) and further in view of Cooperman ('547).

Referring to claim 9, However, Aoki et al./Adam et al./Aoki et al. (2002-297017) discloses the driving simulation apparatus of claim 7. *Aoki et al./Adam et al./Aoki et al. (2002-297017) does not disclose wherein selected input devices of the input devices of the electromechanical simulator are operable to perform a first set of functions during performance of a real-time driving route sequence by a student operator, and wherein the selected input devices are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance.*

However, Cooperman teaches wherein selected input devices of the input devices of the electromechanical simulator are operable to perform a first set of functions during performance of a real-time driving route sequence by a student operator (column 12 lines 32-43), and wherein the selected input devices are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance (if the order in which the inputs are selected will result in performing a second set of functions). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include selected input devices, as disclosed by Cooperman, incorporated into Adam et al./Aoki et al. (2002-297017)/Aoki et al. ('550) in order to perform different maneuvers.

9. Claims 11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki et al. (U.S. Patent Number 5,547,382) in view of Aoki et al. (U.S. Patent Number 5,415,550) and Adam et al..

Referring to claim 11, Yamasaki et al. a) generating a prerecorded driving simulation course including a plurality of testing situations on a display screen of a driving simulator (column 2 lines 47-53), b) recording the operator's real-time responses to each testing situation on a computer memory (abstract). *Yamasaki et al. does not disclose c) comparing the operator's responses to prerecorded base line data and d) replaying selected scenes from the simulation course on the display screen superimposed with selected performance evaluation comments corresponding to the operator's recorded responses, for each testing situation in which the operator's responses fail to perform at or above a specified level.* However, Aoki et al. teaches c) comparing the operator's responses to prerecorded base line data (column 20 lines 51-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include comparing, as disclosed by Aoki et al., incorporated into Yamasaki et al. in order to grade the rider on their performance. *Yamasaki et al./Aoki et al. does not disclose d) replaying selected scenes from the simulation course on the display screen superimposed with selected performance evaluation comments corresponding to the operator's recorded responses, for each testing situation in which the operator's responses fail to perform at or above a specified level.* However, Adam et al. teaches d) replaying selected scenes from the simulation course on the display screen superimposed with selected performance evaluation comments corresponding to the operator's recorded responses, for each testing situation in which the operator's responses fail to perform at or above a specified level (column 5 line 6 – column 6 line 12). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to include replaying, as disclosed by Adam et al., incorporated into Yamasaki et al./Aoki et al. in order to show the user the problems that were made during riding.

Referring to claim 13, Yamasaki et al., as modified Aoki et al. and Adam et al., teaches further comprising a step of generating an audible performance evaluation commentary upon visual reproduction thereof on said display unit (column 6 lines 5-12 of Adam et al.).

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki et al./Aoki et al./Adam et al. and further in view of Cooperman ('453).

Referring to claim 12, Yamasaki et al./Aoki et al./Adam et al. discloses the method of claim 11. *Schuster/Aoki et al. does not disclose wherein the method is performable without requiring input from any person other than the student operator during testing and replay.* However, Cooperman ('453) teaches wherein the method is performable without requiring input from any person other than the student operator during testing (column 4 lines 30-32) and replay (claims). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the apparatus is operable without requiring input from any person other than the student operator during testing and testing, as disclosed by Cooperman ('453), incorporated into Yamasaki et al./Aoki et al./Adam et al. so that the user has full control of how the simulator works.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki et al./Aoki et al./Adam et al. and further in view of Scott et al. (U.S. Publication Number 2004/0009812).

Referring to claim 4, Yamasaki et al./Aoki et al./ Adam et al. discloses the method of claim 11 and in when the simulated operating environment and the performance evaluation commentary are simultaneously displayed thereon (see claim 1). Yamasaki et al./Aoki et al./Adam et al. *does not disclose wherein the replay is paused to display a still-screen image*. In addition, since the apparatus displays the environment and commentary simultaneously and has the ability to playback this information, the information can be paused. However, Scott et al. teaches *wherein the replay is paused to display a still-screen image* (paragraph 0029) (inherent function of pause: when you pause an image the display has a still-screen image). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include pause the replay, as disclosed by Scott et al., incorporated into Yamasaki et al./Aoki et al./Adam et al. in order for the instructor to discuss the driving situation with the user.

12. Claims 15 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. in view of Aoki et al. (2002-297017) and Aoki et al. (5,415,550) and Cooperman (U.S. Patent Number 5,660,547).

Referring to claims 15 & 16, Adam et al. discloses an interactive driving simulation apparatus (interactive event system 10) which allows a student operator (driver) to simulate driving a two-wheeled vehicle (simulation race car), wherein said apparatus displays a virtual environment as a screen image on a display

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unit, based on a real-time performance of a driving operation of a simulated vehicle by the student operator (video display & column 4 lines 55 & 56), a selector which selects performance evaluation comments based on operator input in a simulated driving route sequence, by the driving operation of the operator in a driving route sequence determined in advance in a running route upon the simulation apparatus (column 5 lines 47-53 & column 6 lines 9-12), and wherein the display unit comprises a screen which simultaneously displays both the simulated operating environment and the performance evaluation comments to the student operator when the driving route sequence is replayed on said display unit (column 5 line 64 – column 6 line 12), the interactive driving simulator apparatus further comprises a pre-stored selection of performance evaluation comments (column 5 lines 47-53 & column 6 lines 9-13), and wherein the selector selects an appropriate one of the performance evaluation comments from the pre-stored plurality of performance evaluation comments based on the student operators performance during the driving route sequence (column 5 line 64 – column 6 line 12) (claim 16). *Adam et al. does not disclose wherein said apparatus records a driving route sequence and replays the driving route sequence on said display unit after the real-time performance of a driving operation is completed, said driving simulation apparatus comprising: an electromechanical simulator with which the student operator interacts during the real-time performance of a driving operation, the electromechanical simulator including input devices actuated by the student operator during the real-time performance of a driving operation. Adam et al. does disclose the use of playback (column 7 lines 43-48). With the use of playback, the device is also capable of*

recording. However, Aoki et al. (2002-297017) teaches wherein said apparatus records a driving route sequence (storage means) and replays the driving route sequence on said display unit after the real-time performance of a driving operation is completed (playback). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include recording and playback, as disclosed by Aoki et al. (2002-297017), incorporated into Adam et al. in order to memorize the current game state, as well as, present the game state to other individuals who might not be playing the game. *Adam et al./Aoki et al. (2002-297017) does not disclose said driving simulation apparatus comprising: an electromechanical simulator with which the student operator interacts during the real-time performance of a driving operation, the electromechanical simulator including input devices actuated by the student operator during the real-time performance of a driving operation.* However, Aoki et al. ('550) teaches said driving simulation apparatus comprising: an electromechanical simulator (simulated motorcycle 300) with which the student operator interacts during the real-time performance of a driving operation (rider), the electromechanical simulator including input devices actuated by the student operator during the real-time performance of a driving operation (input interface 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an electromechanical simulator, as disclosed by Aoki et al. ('550), incorporated into Adam et al./Aoki et al. (2002-297017) in order to simulate actual vehicles, such as, a motorcycle. *Adam et al./Aoki et al. (2002-297017)/Aoki et al. does not disclose wherein selected input devices of the input devices of the electromechanical simulator are*

operable to perform a first set of functions during performance of a real-time driving route sequence by a student operator, and wherein the selected input devices are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance. However, Cooperman teaches wherein selected input devices of the input devices of the electromechanical simulator are operable to perform a first set of functions during performance of a real-time driving route sequence by a student operator (column 12 lines 32-43), and wherein the selected input devices are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance (if the order in which the inputs are selected will result in performing a second set of functions). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include selected input devices, as disclosed by Cooperman, incorporated into Adam et al./Aoki et al. (2002-297017)/Aoki et al. ('550) in order to perform different maneuvers.

Response to Arguments

13. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker (U.S. Publication Number 2003/0033161) teaches a method and apparatus for generating and marketing supplemental information.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

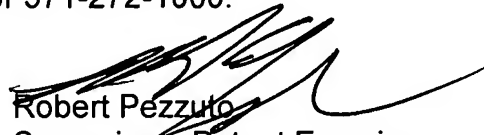
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm & Thurs. - Fri. 7-3:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714



Kyf
Kyf 7/6/2007